

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  LYNETTE CHARGING CROW,  Defendant.	5:25-cv-5010  <b>COMPLAINT</b>
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COMES NOW the United States of America by and through United States Attorney  
Alison J. Ramsdell, and Assistant United States Attorney Aron Hogden, allege:

**PARTIES**

1. Plaintiff, the United States of America ("United States"), brings this action on behalf of the Indian Health Service ("IHS"), an agency of the United States Department of Health and Human Services ("HHS").
2. Defendant, Lynette Charging Crow ("Ms. Charging Crow") resides in Kyle, South Dakota.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction under 28 U.S.C. § 1345 because the United States is the Plaintiff. This is a civil action brought by the United States to recover debt by Ms. Charging Crow associated with the use and possession of property of the federal government.
4. Where the jurisdiction of the district court is predicated on a statute granting district courts original jurisdiction in civil actions commenced by the United States, the law of the state in which the property is located governs the controversy. The property at issue is in South

Dakota.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because the property at issue is located within this district.

### **FACTUAL BACKGROUND**

6. IHS is responsible for providing federal healthcare services to American Indians and Alaskan Natives.

7. Individuals employed by IHS may apply for housing quarters at his or her IHS installation. The justification for providing Government housing is based on the absence of an adequate, private housing market within a reasonable commuting distance of the IHS installation and/or the determination that necessary services or adequate protection of Government property cannot be satisfactorily accomplished without essential on-site staff.

8. IHS's policy provides that all IHS Quarters Management Program Staff shall manage, operate, and maintain Government quarters at IHS Service Units to ensure the availability of suitable housing for personnel essential for the IHS delivery system.

9. Upon approval of IHS housing quarters, the tenant employee signs a "Quarters Assignment and Acceptance Agreement" ("Quarters Agreement") with the agency. The Quarters Agreement specifies the amount of rent payable through salary deductions and specifies that "occupancy shall end upon the expiration of the occupant's employment at this location, unless previously terminated at the option of either party upon 30-days written notice."

10. Ms. Charging Crow was employed by IHS, Pine Ridge Service Unit, and applied for federal government housing quarters.

11. Ms. Charging Crow entered into a Quarters Agreement with IHS.

12. Thereafter, Ms. Charging Crow resided and occupied federal government housing quarters at Pine Ridge Services Quarter Unit N78, 504 Little Pejuta Rd., Pine Ridge, South Dakota (“N78”) since March 2017.

13. Ms. Charging Crow last signed the Quarters Agreement for N78 on February 1, 2023. Ex. 1.

14. Ms. Charging Crow’s employment with IHS ended on September 26, 2023. Ex. 2.

15. On September 29, 2023, IHS provided Ms. Charging Crow with a written-lease-termination letter (“September 29 letter”) that she would be responsible for all rent accruing through the date that she vacates N78, and that as of October 7, 2023, she owed IHS \$3,038.64 in unpaid rental charges. Ex. 3.

16. On January 4, 2024, IHS provided Ms. Charging Crow with a second notice letter (“January 4 letter”) again informing her of the daily charges she would accrue until she vacated N78 and informed Ms. Charging Crow that as of January 13, 2024, she owed IHS \$6,382.90 in outstanding rental charges and that she would be responsible for all rent accruing through the date that she vacates the property. *Id.* Ex. 4.

17. The January 4 letter explained that the recurring daily rental charges at the non-Federal rate was \$31.73 per day. *Id.*

18. Ms. Charging Crow vacated N78 on July 16, 2024, and owes IHS \$12,212.18, in unpaid rental charges. Ex. 5.

#### **COUNT I: BREACH OF CONTRACT**

19. Paragraphs 1-20 are incorporated herein by reference.

20. Ms. Charging Crow had a valid Quarters Assignment and Acceptance Agreement with IHS related to her housing in N78.

21. Ms. Charging Crow breached that agreement when she failed to vacate N78 following the end of her employment with IHS and failed to timely pay rent.

22. IHS is damaged because of the unpaid rent.

**CLAIMS FOR RELIEF**

The United States seeks judgment in its favor and the following relief:

1. A money judgment against Charging Crow for unpaid rental charges in the amount of \$12,212.18.

2. Pre-judgment interest as permitted by SDCL § 21-1-13.

Dated this 3<sup>rd</sup> day of February 2025.

ALISON J. RAMSDELL  
United States Attorney



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Assistant United States Attorney  
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JS 44 (Rev. 04/21)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Aron Hogden, U.S. Attorney's Office, 325 S. 1st Ave.,  
Suite 300, Sioux Falls, SD 57104; (605) 330-4400

## DEFENDANTS

Lynette Charging Crow

County of Residence of First Listed Defendant Oglala Lakota, SD

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights		<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<b>IMMIGRATION</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input checked="" type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
		<b>PRISONER PETITIONS</b>		
		<b>Habeas Corpus:</b>		
		<input type="checkbox"/> 463 Alien Detainee		
		<input type="checkbox"/> 510 Motions to Vacate Sentence		
		<input type="checkbox"/> 530 General		
		<input type="checkbox"/> 535 Death Penalty		
		<b>Other:</b>		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1345

Brief description of cause:

To recover any debt from Defendant associated with the use and possession of property of the federal government

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
\$12,212.18CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

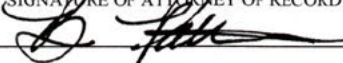
JUDGE

DOCKET NUMBER

DATE

2-6-2025

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE